<u>REMARKS</u>

The Examiner is thanked for the performance of a thorough search. Claims 29–54 are pending in this application.

I.   INTERVIEW SUMMARY

In the telephone interview conducted on November 18, 2010 (hereinafter "Interview"), Examiner Syed Zia represented the USPTO and Karl T. Rees represented the Applicants.

The parties discussed general concepts with respect to Claims 29, 33, and 42, with reference to the examples depicted in FIG. 1 and FIG. 2. In particular, Applicants pointed out several distinctions between the claimed subject matter and the subject matter described in *Thibadeau*. The Examiner argued that an embodiment described in *Thibadeau* showed the subject matter previously recited in Claims 29 and 42 because, allegedly, *Thibadeau* describes software blocking means implemented by the CPU. Applicants disagreed with the Examiner's allegation that the alleged software blocking means teaches or suggests the "blocking means" previously recited in Claims 29 or "first component" previously recited in Claim 42, at least because of the reasons set forth in their previous responses. However, the Examiner stated that the rejection would be overcome if Applicants presented further amendments to clarify that the blocking recited in Claim 29 and Claim 42 is performed by a hardware device that is separate from the CPU. Applicants agreed to amend the claims in the interest of expediting prosecution, but do not agree that the amended features are necessary to ensure patentability over the cited references. No agreement on the allowability of Claims 29, 33, and 42 was reached.

II.   ISSUES RELATING TO PRIOR ART

Claims 29-52 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 7,036,020 (hereinafter "Thibadeau"). The rejection is respectfully traversed.

CLAIM 29

Claim 29 recites a system comprising:
> at least a host central processing unit (CPU), a memory used by the
> host CPU to load programs from the operating system in

order to operate the computer, a storage device for storing
data to be used by the computer; and a chain of components
connecting the host CPU to the storage device, the security
system comprising:
a security partition formed in the storage device, the operating
system being stored in the security partition; and
a security device comprising a hardware processor or controller
for intercepting communications and **selectively blocking
access to operating system data** between the host CPU
and the security partition, wherein the security device is
**deployed along the chain of components that connect
the host CPU to the storage device**, wherein the **security
device's processor or controller is distinct from the host
CPU**

Thibadeau fails to teach or suggest such a system because *Thibadeau* does not describe a

"security device" for selectively blocking access to operating system data between the host CPU

and the security partition. The Office Action, as Applicants understand from the Interview, was

intended to allege that *Thibadeau* describes "blocking means" as formerly recited in Claim 29

because *Thibadeau*'s CPU executes software capable of blocking access to a security partition.

However, *Thibadeau*'s CPU cannot be the "security device" now recited in Claim 29 because

Claim 29 recites that "the security device's processor or controller is distinct from the host

CPU." Nor does any other aspect of *Thibadeau* appear to teach or suggest the "security device"

of Claim 29.

In fact, *Thibadeau* does not even describe a security partition within the meaning of

Claim 29. Rather, *Thibadeau* depicts the operating system as being stored outside of his security

partition. *See, e.g., Thibadeau* at FIG. 3; col. 5, lines 40–50 (requiring that *Thibadeau*'s

operating system "is not permitted to access the security partition data"). *Thibadeau* therefore

also cannot teach or suggest Claim 29's security device for blocking access to a security partition

that stores an operating system because *Thibadeau* does not describe a security partition that

stores an operating system.

Moreover, because *Thibadeau* does not describe such a security device, *Thibadeau* also does not teach or suggest a security device "deployed along the chain of components that connect the CPU to the storage device" comprising the security partition, as recited in Claim 29.

An anticipation rejection requires a single prior art reference to disclose each and every feature of a claim, *arranged as in the claim.* *See* Net Moneyin, Inc. v. Verisign, Inc., et al. 549 F.3d 1359 (Fed. Cir. 2008). *Thibadeau* does not describe every feature of the present claims as arranged in the claims. For at least the foregoing reasons, *Thibadeau* fails to teach or suggest at least one element of independent Claim 29. Therefore, *Thibadeau* does not anticipate Claim 29 under 35 U.S.C. § 102. Reconsideration is respectfully requested.

CLAIM 33

Claim 33 recites the system of Claim 29, wherein:
> wherein during operation of the operating system the security
> device is arranged to divert and write operating system
> files to a location different than the security partition so
> that normal operation of the operating system continues
> even though operating system files in the secure partition
> have not been updated

The Office Action alleged, without explanation, that *Thibadeau* describes such an element in col. 5, line 35–col. 6, line 16. The Office Action is incorrect. These passages contain no description of diverting file, much less **diverting operating system files to a location other than the location in which they are stored**, as recited in Claim 33. Nor do these passages describe that "normal operation of the operating system continues" upon writing an operating system file, "even though operating system files in the secure partition have not been updated," as recited in Claim 33.

For at least the foregoing reasons, *Thibadeau* fails to teach or suggest at least one element of independent Claim 33. Therefore, *Thibadeau* does not anticipate Claim 33 under 35 U.S.C. § 102. Reconsideration is respectfully requested.

CLAIM 42

Claim 42 recites a method comprising, among other elements:

> intercepting communications and **selectively blocking access to operating system data between the host CPUs and the security partition at a security device** deployed along the chain of components connecting the host CPUs to the storage device, wherein the security device **operates independent of the host CPU**

Claim 42 thus involves a security device that is similar to the one recited in Claim 29. For reasons similar to those recited above with respect to Claim 29, *Thibadeau* does not describe such a security device. For example, the component in *Thibadeau* alleged to "selectively block[] access" is a CPU executing software, not a "security device" that "operates independent of the host CPU" as recited in Claim 42.

For at least the foregoing reasons, *Thibadeau* fails to teach or suggest at least one element of independent Claim 42. Therefore, *Thibadeau* does not anticipate Claim 42 under 35 U.S.C. § 102. Reconsideration is respectfully requested.

CLAIMS 30–41, 43–52

Each of Claims 30–41 and 43–52 depends from Claim 29 or 42, and includes each of the above-quoted features of its respective parent claim by dependency. Thus, *Thibadeau* also fails to teach or suggest at least one feature found in Claims 30–41 and 43–52. Therefore, *Thibadeau* does not anticipate Claims 30–41 and 43–52. Reconsideration of the rejection is respectfully requested.

III.   CONCLUSION

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact Applicants' representative by telephone relating to any issue that would advance examination.

A petition for extension of time to the extent necessary to make this reply timely filed is hereby made. The extension of time fee and other applicable fees are submitted concurrently

herewith. If any applicable fee is missing or insufficient, throughout the pendency of this

application, the Commissioner is hereby authorized to charge any applicable fees and to credit

any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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